

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DALE STERLING

Plaintiff,

CASE NO. 18-13770

HON. DENISE PAGE HOOD

v.

NANCY A. BERRYHILL,

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION
And
DISMISSING ACTION

This matter is before the Court on Magistrate Judge Elizabeth A. Stafford's Report and Recommendation. **[ECF No. 14, filed October 11, 2019]** To date, no Objections have been filed to the Report and Recommendation and the time to file such has passed.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching her conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review

of an ALJ's decision is not a de novo review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. The Court agrees with the Magistrate Judge that although Plaintiff had severe impairments, Plaintiff did not have an impairment or combination of impairments that met the listed impairments as required in step three of the five-step sequential evaluation of the evidence.

The Court also agrees with the Magistrate Judge that Plaintiff had the residual functional capacity to perform light work jobs, including as a sorter, merchandise marker and routing clerk. The Court further agrees with the Magistrate Judge's conclusion that the ALJ's findings were supported by substantial evidence in reaching the conclusion that Plaintiff is not disabled under the Act. The Magistrate Judge thoroughly reviewed the ALJ's findings and the record in reaching her conclusion. The Court accepts the Magistrate Judge's

Report and Recommendation as this Court's findings of fact and conclusions of law that Plaintiff is not disabled under the Act.

For the reasons set forth above,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Elizabeth A. Stafford [ECF No. 14, filed October 11, 2019] is **ACCEPTED** and **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [ECF No. 12, filed May 15, 2019] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [ECF No. 13, filed June 6, 2019] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** with prejudice.

DATED: February 11, 2020

s/Denise Page Hood
DENISE PAGE HOOD
Chief Judge